IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12568 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

BLUE STAR LTD.

Versus

BLUE STAR WORKER'S UNION

Appearance:

1. Special Civil Application No. 12568 of 2001

MR KIRAN C RAVAL for Petitioner No. 1

MR NR SHAHANI for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 07/05/2002

ORAL JUDGEMENT

1. After being heard at some length and detailed negotiations about the terms of settlement, the learned counsel have succeeded in arriving at a consensus and placed on record the terms of settlement with a request to modify, by consent, the impugned award and order accordingly.

2. Therefore, by consent, the impugned award and order shall stand modified and substituted by the following terms agreed by the parties:

(i) The present Spl.C.A. and the award of the Labour Court in Ref. No.LCB/D/45/1990 dated 15.10.2001 at Annexure-H to the petition is settled by providing for payment of 80% wages and other incidental benefits in place of 100%, directed therein. It is further made clear that the amount paid by the employer-petitioner in Spl.C.A.No.784 of 1990 pursuant to the order of Division Bench dated 9.2.1990 as 30% back wages, will be adjusted from the above amount. This amount shall be paid within one month.

(ii) Leave Travel Assistance and Bonus payable to the concerned workman for the period in dispute, i.e. 12.11.1988 to 20.2.1990, will also be paid at the rate of 80% of the payable amount.

(iii) The Privilege Leave prior to the disputed period, i.e. 1.1.1988 to 11.11.1988, shall be credited in the account of the concerned workman in June 2002. However, for the Privilege Leave corresponding to the disputed period which is covered by the award/petition (being 12.11.1988 to 20.2.1990) shall be paid to each worker as ad hoc amount of Rs.700/-.

(iv) The cost awarded by the Labour Court and the claims pertaining to Casual Leave, Sick Leave, Dress and Shoes are waived by the respondent Union and are treated as settled.

(v) There shall be no other claims towards incidental benefits which shall be pressed by the union in future. However, the statutory dues/amount under PF, income tax, etc. shall follow the provisions of the law applicable to them.

(vi) The claim/amount of six workers who were removed from service during disputed period from 12.11.1988 to 20.2.1990 shall be worked out on pro-rata basis (in the proportion of the disputed period being treated as less).

(vii) Both the parties agree that the award in question mentioned above shall be modified in terms of this settlement and the claim contained therein

shall be replaced as mentioned above. The continuity of service for other purposes like Gratuity, Seniority, pension etc. shall also be given to the concerned group of workmen who are in service. The list of 40 (forty) workmen is exchanged between the parties.

3. The petition stands allowed in the above terms and Rule is made absolute accordingly with no order as to costs.

Sd/-

(D.H.Waghela, J.)

07.5.2002
(KMG Thilake)